

AMENDED IN ASSEMBLY AUGUST 15, 2005

**SENATE BILL**

**No. 53**

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**Introduced by Senator Kehoe**

January 10, 2005

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~~An act to amend Section 170018 of, to add Section 170041 to, and to repeal Sections 170010, 170012, and 170014 of, the Public Utilities Code, relating to the San Diego County Regional Airport Authority. An act to add Sections 33342.5 and 33342.7 to the Health and Safety Code, relating to redevelopment.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 53, as amended, Kehoe. ~~San Diego County Regional Airport Authority. Redevelopment.~~

*The Community Redevelopment Law authorizes the establishment of redevelopment agencies in communities in order to address the effects of blight, as defined, in those communities and requires those agencies to prepare, or cause to be prepared, and approve a redevelopment plan for each project area. Existing law requires that a redevelopment plan contain certain provisions and authorizes a plan to provide for the agency to acquire by gift, purchase, lease, or condemnation all or part of the real property in the project area.*

*This bill would require redevelopment plans to contain a description of the agency's program to acquire real property by eminent domain, including prohibitions, if any, on the use of eminent domain, and a time limit for the commencement of eminent domain proceedings.*

*By requiring a redevelopment agency that has adopted a final redevelopment plan on or before July 1, 2006, to amend that plan, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~(1) Existing provisions of the San Diego County Regional Airport Authority Act provided for administration of the San Diego County Regional Airport Authority by an interim board with prescribed membership until December 2, 2002.~~

~~This bill would repeal obsolete provisions pertaining to that interim board.~~

~~(2) Existing law requires the appropriate appointing authority to fill a vacancy on the authority board occurring prior to the expiration of the member's term.~~

~~This bill would make a technical corrective change in the language of this provision.~~

~~(3) Existing open-meeting requirements of the Ralph M. Brown Act are applicable to all local agencies, including the authority.~~

~~This bill would amend the San Diego County Regional Airport Authority Act to explicitly restate the applicability of the Ralph M. Brown Act to the authority.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 33342.5 is added to the Health and
- 2     Safety Code, to read:
- 3     33342.5. (a) A redevelopment plan adopted on or after
- 4     January 1, 2006, shall describe the agency's program to acquire
- 5     real property by eminent domain.
- 6     (b) The plan may prohibit the agency from acquiring by
- 7     eminent domain specified types of real property, including, but
- 8     not limited to, owner-occupied residences, single-family
- 9     residences, or any residential property. The plan may prohibit
- 10    the agency from acquiring by eminent domain real property in
- 11    specified locations within the project area.

1     (c) Notwithstanding the time limit imposed by paragraph (4)  
2 of subdivision (c) of Section 33333.2, the redevelopment plan  
3 shall contain a time limit, not to exceed 10 years from the  
4 adoption of the redevelopment plan, for the commencement of  
5 eminent domain proceedings to acquire real property within the  
6 project area.

7     (d) An agency's program to acquire real property by eminent  
8 domain may be changed only by amending the redevelopment  
9 plan pursuant to Article 12 (commencing with Section 33450).

10    SEC. 2. Section 33342.7 is added to the Health and Safety  
11 Code, to read:

12    33342.7. (a) A legislative body that adopted a final  
13 redevelopment plan before January 1, 2006, shall adopt an  
14 ordinance on or before July 1, 2006, that contains both of the  
15 following:

16    (1) A description of the agency's program to acquire real  
17 property by eminent domain. The plan may prohibit the agency  
18 from acquiring by eminent domain specified types of real  
19 property, including, but not limited to, owner-occupied  
20 residences, single-family residences, or any residential property.  
21 The plan may prohibit the agency from acquiring by eminent  
22 domain real property in specified locations within the project  
23 area.

24    (2) A time limit that shall not extend beyond July 1, 2009, for  
25 the commencement of eminent domain proceedings to acquire  
26 real property within the project area.

27    (b) The program to acquire real property by eminent domain  
28 established pursuant to paragraph (1) of subdivision (a) and the  
29 deadline for the commencement of eminent domain proceeds  
30 established pursuant to paragraph (2) of subdivision (a) may be  
31 changed only by amending the redevelopment plan, pursuant to  
32 Article 12 (commencing with Section 33450).

33    SEC. 3. If the Commission on State Mandates determines that  
34 this act contains costs mandated by the state, reimbursement to  
35 local agencies and school districts for those costs shall be made  
36 pursuant to Part 7 (commencing with Section 17500) of Division  
37 4 of Title 2 of the Government Code.

38    ~~SECTION 1. Section 170010 of the Public Utilities Code is~~  
39 ~~repealed.~~

1     ~~SEC. 2. Section 170012 of the Public Utilities Code is~~  
2     ~~repealed.~~

3     ~~SEC. 3. Section 170014 of the Public Utilities Code is~~  
4     ~~repealed.~~

5     ~~SEC. 4. Section 170018 of the Public Utilities Code is~~  
6     ~~amended to read:~~

7     ~~170018. (a) The appointing authority for a member whose~~  
8     ~~term has expired shall appoint that member's successor for a full~~  
9     ~~term of four years.~~

10    ~~(b) The membership of any member serving on the board as a~~  
11    ~~result of holding another public office shall terminate when the~~  
12    ~~member ceases holding the other public office.~~

13    ~~(c) Any vacancy in the membership of the board shall be filled~~  
14    ~~for the remainder of that unexpired term by a person selected by~~  
15    ~~the respective appointing authority for that position.~~

16    ~~SEC. 5. Section 170041 is added to the Public Utilities Code,~~  
17    ~~to read:~~

18    ~~170041. Meetings of the board are subject to the provisions of~~  
19    ~~the Ralph M. Brown Act (Chapter 9 (commencing with Section~~  
20    ~~54950) of Part 1 of Division 2 of Title 5 of the Government~~  
21    ~~Code).~~